

Docket No.: 1081.1178

Serial No. 10/612,942

REMARKS

In accordance with the foregoing, the independent claims have been amended to clarify the invention, and minor amendments are made to various others of the pending claims to improve form. In this regard, claim 1 has been amended to include the limitations of claim 3 which has been cancelled and claim 9 similarly has been amended to include limitations of claim 11 and the latter has been cancelled. Similar amendments are made in the remaining independent claims 7, 13 and 15. No substantive change has been made in these other pending claims. No new matter is presented in the foregoing amended claims and, accordingly, approval and entry of same are respectfully requested.

PRIORITY/REQUIREMENT FOR A REFERENCE TO THE PRIOR APPLICATION UNDER 37 C.F.R. 1.78 (a)

It is submitted that the Examiner errs in the contention that the required paragraph has not been presented. Please see the CONTINUING (§ 111) APPLICATION TRANSMITTAL OF INTERNATIONAL APPLICATION at page 6 under heading 22 – Continuing Application and the subheading "Preliminary Amendment" - - which requests the USPTO to amend the specification by inserting, before the first line, the sentence: –This application is a continuing application, filed under 35 U.S.C. §111(a), of International Application PCT/JP01/00175, filed January 12, 2001.—

Accordingly, the amendment required by the Action at pages 3-4 has already been satisfied concurrently with the filing of the application.

Withdrawal of the requirement is respectfully requested.

STATUS OF CLAIMS

Claims 1-15 are pending and under consideration.

Claims 1-15 are rejected.

Claims 3 and 11 has been cancelled.

ITEM 2: REJECTION OF CLAIMS 1-4, 7-12 FOR OBVIOUSNESS UNDER 35 U.S.C. §102(e) IN VIEW OF MEYER ET AL. (U.S. PATENT 6,826,715); AND

Docket No.: 1081.1178

Serial No. 10/612,942

ITEM 4: REJECTION OF CLAIMS 5 AND 6 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) OVER MEYER ET AL. (U.S. PATENT 6,826,716) IN VIEW OF BURGESS ET AL. (U.S. PATENT 5,758,071)

The rejections are respectfully traversed.

In accordance with the invention, as recited in the independent claims, a computer program (i.e., a single, or only one -- "the management program" in the specification) controls a management method, or the function of the computer, or characterizes the claimed operation of a claimed computer, or computers associated through a network, to acquire all of the hardware configuration information, by obtaining the hardware configuration information at a plurality of timing sets in each switch-on of the computer. The plurality of timing sets are the timing at executing BIOS and the timing after OS is activated, as recited in each of the independent claims.

Since the single computer program acquires all of the hardware configuration information, the information can be obtained in an integrated manner, affording easy management of the information.

Since the single computer program acquires hardware configuration information at a plurality of timing sets, the computer program can obtain all of the hardware configuration information when the computer is switched on.

The cited references to Meyer and Burgess merely disclose collecting hardware configuration information; however, the above-mentioned characteristics of the present invention are not disclosed in the cited references to Meyer and Burgess, taken singularly or in any proper combination.

PRIMA FACIE OBVIOUSNESS OF THE COMBINATION OF MEYER ET AL. AND BURGESS ET AL. RELIED UPON IN THE ACTION HAS NOT BEEN SET FORTH

At pages 12-13, the Action concedes the lack of certain teachings in Meyer et al. relative to the rejected claims and at pages 13-14 proffers teachings of Burgess et al. as being relevant to those missing in Meyer et al. -- and then makes the bare contention that "it would have been obvious to one of ordinary skill in the art..." to combine the teachings of both.

The following statement that "one ordinary skilled in the art would have been motivated..." merely recites the functions of the present invention, as claimed, as a justification for asserting the combination of the two references. In fact, even the combination is conceded

Docket No.: 1081.1178

Serial No. 10/612,942

not to "teach that the server computer acquires information of client computer" - - a characteristic not in the language of the claims but perhaps intended to relate dependent to claims 5 and 6, however, the invention is not clear from the Action.

At paragraph spanning pages 13-14, the Action then offers an observation that "it is very likely that the computers connected to network follow client/sever model... ." One ordinary skilled in the art would have been motivated to have the monitoring computer of the combination teaching as a server computer and the monitored computer as a client computer for many reasons... ". It is respectfully submitted that the Examiner's observations are based on speculation on the part of the Examiner and clearly are deficient.

It is submitted that the Action fails to satisfy the requirement of a prima facie demonstration of obviousness of the combination and, instead, relies on the discredited bare contention that the combination "would have been obvious to one of ordinary skill in the art...." Moreover, motivation to effect the combination is not supported by the Examiner's speculative comments.

See MPEP 706.02(j) which emphasizes that the Examiner should set forth in the Office Action:

(A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,

(B) the difference or differences in the claim over the applied reference(s),

(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on

Docket No.: 1081.1178

Serial No. 10/612,942

applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

CONCLUSION

It is respectfully submitted that the foregoing has demonstrated clearly that the present invention distinguishes patentably over the references, taken singularly or in any proper combination and, further, that the Action fails to satisfy the prima facie demonstration of obviousness essential to the assertion of the obviousness rejection.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

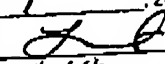
Date: May 1, 2006By: 

H. J. Staas

Registration No. 22,010

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents
P.O. Box 1450 Alexandria, VA 22313-1450
on May 1, 2006
By: 
Date: 5/1/06